

COMMITTEE ON PUBLIC WORKS AND PURCHASING
(Standing Committee of Berkeley County Council)

Acting Chairman: Mr. Jack H. Schurlknight, Council District No. 6

A **meeting** of the **COMMITTEE ON PUBLIC WORKS AND PURCHASING**, Standing Committee of Berkeley County Council, was held on **Monday, July 11, 2011**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:15 p.m.

PRESENT: Acting Chairman Jack H. Schurlknight, Council District No. 6; Committee Member Phillip Farley, Council District No. 1; Committee Member Robert O. Call, Jr., Council District No. 3; Supervisor Daniel W. Davis; Ms. Nicole Ewing, County Attorney and Ms. Catherine R. Windham, Acting Clerk of County Council. Chairman Caldwell Pinckney, Jr., Council District No. 7 was absent. Committee Member Dennis L. Fish, Council District No. 5, was excused.

ALSO PRESENT: Council Member Timothy Callanan, District No. 2, ex-officio; Council Member Cathy Davis, District No. 4, ex officio; Council Member Steve Davis, District No. 8, ex officio, was absent.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Acting Chairman J. Schurlknight: "I would like to call the Committee Meeting for Public Works and Purchasing to order. First on the agenda is the approval of minutes from the June 13, 2011 meeting."

Committee Member P. Farley: "So Move."

Committee Member R. Call: "Second"

Acting Chairman J. Schurlknight: "We have a motion and a second. Are there any corrections to these minutes? (No Response) All in favor say Aye? (Ayes) All opposed Nay? (No Response) The minutes stand approved."

It was moved by Committee Member P. Farley and seconded by Committee Member R. Call to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

Acting Chairman J. Schurlknight: "Next on the agenda is..."

A. John Hamer, CPPB, Director of Procurement, Re:

- 1.** Purchase of Soil Compactor.

Mr. John Hamer: "Thank you, we put a....we bid this soil compactor and the bids came back in on June 21. We did a best value bid and also did an alternate bid for a unit with less than 300 hours. It's our recommendation to go with the best value bid. The alternate, we only had one bid and that bidder requested to withdraw that bid due to an error. So, we used the best value evaluation factors and based on those factors it's our recommendation to award the soil compactor to Hill's Machinery Company with a life cycle cost for 5 years and 2500 hours, in the amount of \$64,177.65. They were also the only firm to give us an optional trade in on the old unit at \$10,000.

Acting Chairman J. Schurlknight: "Discussion?"

Committee Member P. Farley: (Inaudible)

Mr. John Hamer: "We did an alternate for any equipment under 300. The only one bid we got, he made an error in his base bid and request that we withdraw that bid."

Committee Member P. Farley: "Is this a budgeted item?"

Mr. John Hamer: "Yes sir, it was budgeted in last year's capital improvement."

Committee Member P. Farley: "Move for approval"

Committee Member R. Call: "Second"

Acting Chairman J. Schurlknight: "I have a motion and a second. Is there any discussion? (No Response) All in favor signify by saying Aye? (Ayes) Opposes Nay? (No Response) It stands approved."

It was moved by Committee Member P. Farley and seconded by Committee Member R. Call to **award best value bid for a Soil Compactor to Hills Machinery Company, Life Cycle Cost in the amount of \$64,177.65 plus the optional trade-in on an old unit in the amount of \$10,000.** The motion passed by unanimous voice vote of the Committee.

Acting Chairman J. Schurlknight: "Next thing John, is ..."

2. Purchase of Ambulance

Mr. John Hamer: "Yes, sir. Last year we did a bid for our ambulance and it was awarded to Custom Truck and Body Works. Part of the bid package allows, upon mutual agreement of the County and the vendor, to add additional purchases. They have agreed to honor their price of \$118,536 for the ambulance that is in this year's capital improvement. They also will be providing us with a 2012 chasis instead of 2011 at no additional cost."

Acting Chairman J. Schurlknight: "Do I have a motion?"

Committee Member R. Call: "Move for approval"

Committee Member P. Farley: "Second"

Acting Chairman J. Schurlknight: "I have a motion and a second. Is there any discussion? (No Response) Hearing none...."

Committee Member P. Farley: "This is a brand new, custom built?"

Mr. John Hamer: "Yes, sir."

Committee Member P. Farley: "Where do they come from?"

Mr. John Hamer: "This company is out of Georgia."

Council Member T. Callanan: "Mr. Chairman?"

Acting Chairman J. Schurlknight: "Mr. Callanan?"

Council Member T. Callanan: "How is this being paid for?"

Mr. John Hamer: "This is out of this year's capital improvement fund."

Acting Chairman J. Schurlknight: "Any other questions? (No Response) Hearing none, all in favor signify by saying Aye? (Ayes) Opposes Nay? (No Response) The Ayes have it. Thank you, John."

It was moved by Committee Member R. Call and seconded by Committee Member P. Farley to **approve** the purchase of a **2012 Ford F450 Ambulance in the amount of \$118,536.00** from **Custom Truck and Body Works, Inc.** based on the same requirements and specifications contained in Invitation for Bids number 11104-01-10/11. The motion passed by unanimous voice vote of the Committee.

Acting Chairman J. Schurlknight: "Next on the agenda is..."

- B. Consideration prior to First Reading,** an ordinance establishing a Stormwater Management Utility for the purpose of implementing the Berkeley County Stormwater Management Program and satisfying the regulatory requirements of the State of South Carolina NPDES general permit for stormwater discharges from regulated small municipal separate storm sewer systems; planning, designing, constructing, funding, and maintaining stormwater management, sediment control, and flood control programs, projects and facilities; and reviewing and approving stormwater management and sediment control plans for land disturbing activities; and providing for the administration and enforcement thereof.

Acting Chairman J. Schurlknight: "Frank?"

Mr. Frank Carson: "We decided to put it all in the title, Mr. Chairman. Instead of..."

Acting Chairman J. Schurlknight: "It sounded like you got it covered. Y'all did good on that one, Frank. Now, if you put it in layman's terms you'll be doing great."

Mr. Frank Carson: "Of course the short purpose of this is to generate funds to operate Storm Water Management Program and comply with the NPDS regulations. There are other items listed in the ordinance title and in the body of the ordinance itself, which may, Council may, in the future, decide what to use the utility fee for. But our purposes as we said in the budget, and in the workshop, and again last month, is at this point and time, that these funds are going to be used to....for compliance with the permit and the regulations. We wanted to have a draft ordinance for you for first reading. This...we know that there are a lot of questions. There is a lot of information that needs to be conveyed to Council and to the public. The process will obviously take as long as it takes. One thing we want to bear in mind is, if we are to get the fee on the tax bills in October, we need to be pretty quick about acting. If we can, that'd be great. If we need to slow the process down, then that will be the case. Toward that end, what we propose to do is to have two public hearings. One public hearing at second reading and we would also have our consultant here to give us a similar presentation to what we had last month and also take public comment. Have a second public hearing, prior to third reading, and we could respond to those comments and also receive any other comments that we may have; have another discussion about it. What I wanted to do tonight is just go through a couple of the highlights, not dwell especially on all the points, but some of the questions that were generated at the last presentation and again the important points of the draft ordinance. As we said, this is an interim fee. The development of the permanent fees and the classifications and the rules that go with that are very time consuming and very costly to do. This interim fee would allow us to fund that effort, and at the same time fund compliance with the permit. Boundaries and jurisdictions would be the unincorporated areas of County. I think everybody on Council received a letter from the City of Hanahan. They're expressing their interest in joining the County, in the utility. Since that letter, we have also received a draft inter-governmental agreement from them that they have proposed to participate. Obviously, that could only come at a later date if this ordinance passes and we would work with them on the program. We've also had discussions with Goose Creek. They're not quite that far along and they are beginning their budget process for the next fiscal year. So, we would expect those discussions to continue and have an expression of interest from them, if that is what they chose to do. We've had those discussions for a number of years and I know their staff is in agreement and we can take care of some of these measures better through cooperation than we individually."

Acting Chairman J. Schurlknight: "Frank, have you heard anything from Moncks Corner?"

Mr. Frank Carson: "Moncks Corner is not...until the new census data is official, they are not in an urbanized area and therefore, they're not regulated under the phase II regulations. If

they are, then that's another possibility. They may also want to participate regardless of their status in the regulations."

Council Member T. Callanan: "Mr. Chairman?"

Acting Chairman J. Schurlknight: "Mr. Callanan?"

Council Member T. Callanan: "Frank, you had mentioned that there's other things that we could essentially use the fee to pay for. What are those other things?"

Mr. Frank Carson: "Some entities use them for maintenance of the storm water system and those things are listed in here as possibilities, but that's not what's proposed in our budget."

Council Member T. Callanan: "How are those paid for now?"

Mr. Frank Carson: "Out of the general fund."

Council Member T. Callanan: "And so we make...but that's for all County roads isn't it? Ok, so that's the difference there."

Mr. Frank Carson: "Yes."

Council Member T. Callanan: "This would be just be for an incorporated, but if we were to stand it then ...(inaudible)"

Mr. Frank Carson: "Well, for example, I think Hanahan is interested in doing some capital projects, but they would... those funds, those projects would be...they would have to identify those funds and that would have to be part of the fee structure for those parcels in the municipality. It's not necessary that each entity do exactly the same thing with their program. The City of Charleston obviously has been doing this for ten-fifteen years and theirs was primarily started not for NPDS compliance, but to fund major capital projects. So, it can be done for other purposes. Our purpose at this point, is strictly to comply with the regulations."

Council Member T. Callanan: "Thank you."

Acting Chairman J. Schurlknight: "Thank you, and Frank, just to add a little bit to that; that's some of the concerns that I've been hearing about this. There are other counties and municipalities that have used this as a cash cow to fund other projects."

Mr. Frank Carson: "Sure, and that's a legitimate concern. I understand that."

Acting Chairman J. Schurlknight: "Exactly. I would hope and I know we are not headed in that direction on this one."

Mr. Frank Carson: "Right."

Committee Member P. Farley: "Is this more or less mandated?"

Mr. Frank Carson: "Well, the NPDS permits are certainly mandated. Yes. I guess the big topic of discussion goes to the utility rates and section seven. What we talked about at the previous presentation was a rate of \$36 per parcel, per year, as an interim rate. We have in section seven, we have five different rates stipulated and those would be \$36 for a single family residence, \$18 for mobile home, \$18 for multifamily. A non-residential developed parcel, either commercial or industrial, would be \$108 per parcel and tax exempt or non profit would be \$72. To give you an example, if I lived in a single family brick home, my rate would be \$36 a year. If my neighbor who is in a mobile home; his rate is gonna be \$18. There's an apartment unit, four plex down the street, and each one of those units would be \$18. Then the....let's take a dramatic example, NUCOR would be \$108, Berkeley Middle School would be \$72. Those are interim rates and the distinction...there will be drastic distinctions typically when you have a mature rate and classification structure because it's going to be based on impervious surface. So, this is in part to recognize there is a distinction between these different classifications and uses."

Council Member T. Callanan: "Mr. Chairman?"

Acting Chairman J. Schurlknight: "Mr. Callanan?"

Council Member T. Callanan: "Just the concern that I have and this is from....I've talked to some business owners who have properties in Dorchester County. Naturally, when they put up some of these retail fronts they require a certain amount of parking spaces and then that creates an impervious surface. So in order to meet the parking requirement they actually then their storm water fee becomes somewhat astronomical. Do we have any flexibility in that?"

Mr. Frank Carson: "Yes. One of the components of the ordinance is a credit system. So, in fact in the next section, in section eight, our offices authorized to come up with a credit policy so that can take different forms. That parking space could be pervious pavement, parking could be pavers, pervious pavers; their other system. In some ways and Eric can correct me if I'm wrong, our requirement is not always for paved parking. So there are other aspects to that. There are other credits. Might be someone who discharges directly to the Cooper River for example, or doesn't discharge into the public system, as other storm water management features, ponds or other things, as part of their system. So those can be credited. You'll see in section twelve and section thirteen, their request for reconsideration if a customer feels like the determination is incorrect and an appeal process as well."

Council Member T. Callanan: "Mr. Chairman?"

Acting Chairman J. Schurlknight: "Mr. Callanan?"

Council Member T. Callanan: "The other issue comes to schools where we...Are we going to run into a situation like we have in the impact fee where we have to tax another entity essentially, that's raising taxes in an indirect way. You know, schools naturally, especially high schools are going to have a lot of impervious surfaces. They are very large buildings. I would

imagine that the fees are going to be very expensive on that. They don't make any exceptions for schools here."

Mr. Frank Carson: "No, there are no exceptions. County government is not exempted either. We will be charging ourselves, but that's the nature of fees and utility fees and that structure. There was a...you probably saw in the NACO newsletter, the federal government challenged whether they could be charged storm water utility fees and they lost that, I think, in the Supreme Court. So, there are no exemptions."

Committee Member P. Farley: "And you said Berkeley Middle School would be \$72?"

Mr. Frank Carson: "Under the interim rate, but eventually it would be based on impervious surface."

Committee Member P. Farley: (inaudible)

Mr. Frank Carson: "Roof, pavement, impervious surface, yes sir."

Acting Chairman J. Schurlknight: "Frank, I know in the past we've talked a little bit about agricultural. Where does agricultural fall at in the whole scheme of things as this?"

Mr. Frank Carson: "State law exempts agriculture."

Acting Chairman J. Schurlknight: "Right, so they fall under the state guidelines?"

Mr. Frank Carson: "Well, it's not state guidelines, they're exempt. This is another case where the state has told local government how they can't collect fees."

Acting Chairman J. Schurlknight: "Right."

Committee Member P. Farley: "Agricultural is exempt?"

Mr. Frank Carson: "Yes, sir. It's specifically in one of the sections if I can find it."

Acting Chairman J. Schurlknight: "Ok Frank, is that just the property itself or how about the buildings that's on the property? Do you know if that would also be exempt?"

Mr. Frank Carson: "The buildings typically are assessed a fee...(inaudible). Only the agricultural uses, the buildings..."

(inaudible)

Acting Chairman J. Schurlknight: "So the property itself and the crop land and stuff would be ground to timber....but your sheds, your buildings, that stuff would be assessed?"

Mr. Frank Carson: “Yes, sir. Section one, item “N”. The interim Storm Water Utility Fee will not be imposed on agricultural lands, forest lands or undeveloped lands pursuant to the amendment. So for instance, the school district owns property and they intend to eventually build a school. Until they build a school they’re not assessed. There is no utility fee.”

Acting Chairman J. Schurlknight: “Any other comments? Do I have a motion to move this forward?”

Committee Member P. Farley: “I think this is something we have to do. I’ll make a motion. This is going into first reading?”

Acting Chairman J. Schurlknight: “Yes, this is just first reading.”

Committee Member P. Farley: “So Move.”

Committee Member R. Call: “Second”

Acting Chairman J. Schurlknight: “I have a motion and a second. Is there any discussion? (No Response) Hearing none, all in favor signify by saying Aye? (Ayes) Opposed? (No Response) The motion carries.”

It was moved by Committee Member P. Farley and seconded by Committee Member R. Call to **approve an ordinance** authorizing the establishment of a Stormwater Management Utility for the purpose of implementing the Berkeley County Stormwater Management Program and satisfying the regulatory requirements of the State of South Carolina NPDES general permit for stormwater discharges from regulated small municipal separate storm sewer systems; planning, designing, constructing, funding, and maintaining stormwater management, sediment control, and flood control programs, projects and facilities; and reviewing and approving stormwater management and sediment control plans for land disturbing activities; and providing for the administration and enforcement thereof. The motion passed by unanimous voice vote of the Committee.

Acting Chairman J. Schurlknight: “I will entertain a motion to adjourn.”

Committee Member P. Farley: “Move for adjournment”

Committee Member R. Call: “Second”

Acting Chairman J. Schurlknight: “I have a motion and a second. All in favor? (Ayes) All opposed? (No Response) We are adjourned.”

It was moved by Committee Member P. Farley and seconded by Committee Member R. Call to **adjourn** the Committee on Public Works and Purchasing meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 6:34 p.m.

August 8, 2011
Date Approved

PUBLIC WORKS AND PURCHASING
(Standing Committee of Berkeley County Council)

Chairman: Mr. Caldwell Pinckney, Jr., District No. 7

Members: Mr. Phillip Farley, District No. 1
Mr. Robert O. Call, Jr., District No. 3
Mr. Dennis Fish, District No. 5
Mr. Jack H. Schurlknight, District No. 6

Mr. Timothy J. Callanan, District No. 2, ex officio
Mrs. Cathy S. Davis, District No. 4, ex officio
Mr. Steve C. Davis, District No. 8, ex officio
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON PUBLIC WORKS AND PURCHASING**, Standing Committee of Berkeley County Council will be held on **Monday, July 11, 2011**, at **6:02 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

APPROVAL OF MINUTES

June 13, 2011

A. John Hamer, CPPB, Director of Procurement, Re:

1. Purchase of Soil Compactor.
2. Purchase of Ambulance

B. Consideration prior to First Reading, an ordinance establishing a Stormwater Management Utility for the purpose of implementing the Berkeley County Stormwater Management Program and satisfying the regulatory requirements of the State of South Carolina NPDES general permit for stormwater discharges from regulated small municipal separate storm sewer systems; planning, designing, constructing, funding, and maintaining stormwater management, sediment control, and flood control programs, projects and facilities; and reviewing and approving stormwater management and sediment control plans for land disturbing activities; and providing for the administration and enforcement thereof.

July 6, 2011
S/Catherine R. Windham
Acting Clerk of County Council